

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.4793 OF 2006

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Dated: 13-03-2006

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Between

Gourisetty Prakash, S/o. Late G. Buchi Ramulu,
Occ: Business, R/o.1-6-236, Main Road, Kazipet,
Warangal District.

...PETITIONER

AND

The Municipal Corporation of Warangal,
Through its Special Officer/Commissioner
S.V.N. Road, Warangal and another.

...RESPONDENTS

ORDER:

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This writ petition is filed seeking a Writ of Mandamus to declare that the respondents in threatening to demolish the house of the petitioner bearing No.1-6-236 situated at Main Road, Kazipet, Warangal District without paying compensation by acquiring the same for the purpose of road widening as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is absolute owner and possessor of building bearing No.(Old) 1/472 and 1/473 and New No.1-6-236, situated at Kazipet abutting Hyderabad – Warangal Main Road. He further submits that the father of the petitioner applied for permission for re-construction of building and obtained permission from the municipality on 21.03.1957 and since construction was not completed, his father applied

for renewal of permission and the same was renewed vide permit No.187 dated 02.05.1962 and since then the petitioner has been in possession and enjoyment of the same. The learned counsel further submits that the respondents without issuing any notice and without initiating any proceedings and without paying any compensation are highhandedly interfering and meddling with the petitioner's property.

The only grievance of the petitioner is that the respondents without issuing any notice, without paying any compensation for his structures or lands and without following due process of law, are attempting to dispossess him from the said premises for the purpose of road-widening.

The learned counsel for the petitioner further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporations Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894. No costs.

V. ESWARAIAH, J

March 13, 2006

Note: Furnish C.C. of the order in two days

(B/o)

DSK

